IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

W.P.(C) No. 33320 of 2007(N)

PETITIONER:

SREEKALA AMMA, PROPRIETOR, V.S.CHICKEN,
UMAYANALLOOR, RESIDING AT SANTOSH BHAWAN,
VALATHUNGAL P.O., KOLLAM DISTRICT.

BY ADV. SRI.BOBBY JOHN
SRI.P.N.DAMODARAN NAMBOODIRI

RESPONDENTS:
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1. THE SALES TAX OFFICER, CHATHANNUR

2. THE DEPUTY COMMISSIONER (APPEALS)
COMMERCIAL TAXES, KOLLAM.

3. THE KERALA SALES TAX APPELLATE TRIBUNAL
THIRUVANANTHAPURAM.

BY GOVT. PLEADER, SRI. GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 33320 OF 2007 N
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Dated this the 13th November, 2007

J U D G M E N T

Ext. P8 order is under challenge. By this order stay has been granted to the petitioner on condition that the petitioner remits 1/3rd of the disputed tax minus surcharge and furnish security for the balance amount. In my view this is a very lenient order unlike the usual orders where 50% is directed to be deposited.

2. The only ground urged by the petitioner is that the appeal itself is posted to 27-11-2007 and therefore at this stage the deposit is unwarranted. I do not agree with this submission. On going through the facts of this case I do not find any perversity in Ext. P8 warranting interference. The writ petition fails and is dismissed.

ANTONY DOMINIC
JUDGE

jan/-